

# Exhibit A3

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND  
COMPOUNDING PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION

MDL No. 1:13-md-2419-FDS

This Document Relates to:

All actions pending against Saint Thomas  
Outpatient Neurosurgical Center, LLC,  
and its affiliates including:

1:13-cv-12234-FDS May et al v.  
Ameridose, LLC et al  
1:13-cv-12238-FDS Carman et al v.  
Ameridose, LLC et al  
1:13-cv-12305-FDS Wiley et al v.  
Ameridose, LLC et al  
1:13-cv-12311-FDS Schulz et al v.  
Ameridose, LLC et al  
1:13-cv-12315-FDS Hester et al v.  
Ameridose, LLC et al  
1:13-cv-12426-FDS Davis et al v.  
Ameridose, LLC et al  
1:13-cv-12429-FDS Bequette et al v.  
Ameridose, LLC et al  
1:13-cv-12430-FDS Norwood et al v.  
Ameridose, LLC et al  
3:13-cv-00918 Ziegler et al v. Ameridose,  
LLC et al  
3:13-cv-00919 Martin v. Ameridose, LLC  
et al  
3:13-cv-00923 Reed v. Ameridose, LLC et  
al  
3:13-cv-00929 Brinton v. Ameridose, LLC  
et al  
3:13-cv-00930 Lovelace v. Ameridose,  
LLC et al  
3:13-cv-00931 Ragland v. Ameridose, LLC  
et al  
3:13-cv-00932 Slatton et al v. Ameridose,  
LLC et al  
3:13-cv-00933 Rybinski v. Ameridose,  
LLC et al

3:13-cv-00934 Lemberg et al v.	)
Ameridose, LLC et al	)
3:13-cv-00935 Ruhl et al v. Ameridose,	)
LLC et al	)
3:13-cv-00938 McElwee v. Ameridose,	)
LLC et al	)
3:13-cv-00940 Robnett et al v. Ameridose,	)
LLC et al	)
3:13-cv-00941 Sharer et al v. Ameridose,	)
LLC et al	)
3:13-cv-00942 Johnson et al v. Ameridose,	)
LLC et al	)
3:13-cv-00943 Knight v. Ameridose, LLC	)
et al	)
3:13-cv-00951 Knihtila v. Ameridose, LLC	)
et al	)
3:13-cv-00952 Sellers et al v. Ameridose,	)
LLC et al	)
3:13-cv-00953 Barger et al v. Ameridose,	)
LLC et al	)
3:13-cv-00954 Lodowski et al v.	)
Ameridose, LLC et al	)
3:13-cv-00961 Skelton et al v. Ameridose,	)
LLC et al	)
3:13-cv-00962 Chambers et al v.	)
Ameridose, LLC et al	)
3:13-cv-00963 Hill et al v. Ameridose,	)
LLC et al	)
3:13-cv-00964 Mathias v. Ameridose, LLC	)
et al	)
3:13-cv-00965 Settle et al v. Ameridose,	)
LLC et al	)
3:13-cv-00966 Miller v. Ameridose, LLC	)
et al	)
3:13-cv-00967 Noble et al v. Ameridose,	)
LLC et al	)
3:13-cv-00968 Eggleston et al v.	)
Ameridose, LLC et al	)
3:13-cv-00969 Meeker et al v. Ameridose,	)
LLC et al	)
3:13-cv-00970 Scott et al v. Ameridose,	)
LLC et al	)
3:13-cv-00971 McCullouch et al v.	)
Ameridose, LLC et al	)
3:13-cv-00972 McKee et al v. Ameridose,	)
LLC et al	)

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3:13-cv-00973 Kirby v. Ameridose, LLC et al	)
3:13-cv-00975 Richards v. Ameridose, LLC et al	)
3:13-cv-00977 Youree et al v. Ameridose, LLC et al	)
3:13-cv-00978 Koonce et al v. Ameridose, LLC et al	)
3:13-cv-00979 Pelters et al v. Ameridose, LLC et al	)
3:13-cv-00984 Besaw et al v. Ameridose, LLC et al	)
3:13-cv-00985 Ferguson et al v. Ameridose, LLC et al	)
3:13-cv-00986 Hurt et al v. Ameridose, LLC et al	)
3:13-cv-00987 Wanta et al v. Ameridose, LLC et al	)
3:13-cv-00988 Russell et al v. Ameridose, LLC et al	)
3:13-cv-00989 Pruitt et al v. Ameridose, LLC et al	)
3:13-cv-00992 Young v. Ameridose, LLC et al	)
3:13-cv-00993 Sullivan et al v. Ameridose, LLC et al	)
3:13-cv-01033 Barnard v. Ameridose, LLC et al	)
3:13-cv-01032 Berry v. Ameridose, LLC et al	)

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**PLAINTIFFS' STEERING COMMITTEE'S FIRST SET OF REQUESTS FOR PRODUCTION TO HOWELL ALLEN CLINIC**

The Plaintiffs' Steering Committee, pursuant to Federal Rules of Civil Procedure 26 & 33, respectfully propounds these requests for production of documents and things to Howell Allen Clinic to be answered within the time prescribed by law.

**DEFINITIONS AND INSTRUCTIONS**

These requests for production are limited in time to items created on or after September 20, 2007 to the present.

As used herein, the following terms mean:

“Saint Thomas Neurosurgical” means Saint Thomas Outpatient Neurosurgical Center, LLC.

“Howell Allen Clinic” means Howell Allen Clinic A Professional Corporation.

“You” or “your” refer to Howell Allen Clinic.

“NECC” means New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center.

“MPA” means methylprednisolone acetate.

“Dr. Culclasure” means John Culclasure, M.D.

“Ms. Schamberg” means Debra Schamberg, R.N.

“St. Thomas Hospital” means Saint Thomas West Hospital, formerly known as St. Thomas Hospital.

#### REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

1. Produce all documents and communications regarding the procurement of injectable steroids.

RESPONSE:

2. Produce all communications between Howell Allen Clinic and New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC”). Please include all e-mails, prescriptions, purchase orders, invoices, logs, messages, notes, letters, correspondence, and other documents or electronic data evidencing any such communication.

RESPONSE:

3. Produce a copy of any communications (including emails, brochures, correspondence, prescriptions, order forms, invoices, and other documents) exchanged between anyone associated with Howell Allen Clinic and any pharmaceutical sales representative, pharmaceutical account representative, pharmaceutical wholesaler, pharmaceutical distributor, pharmaceutical reseller, or compounding pharmacy regarding the purchase or potential purchase of any type of injectable steroid.

RESPONSE:

4. Produce a copy of any and all marketing materials provided by NECC and/or NECC's agents or representatives (including Ameridose, Medical Sales Management, and/or Medical Sales Management SW) to Howell Allen Clinic or to anyone associated with any party to this litigation.

RESPONSE:

5. Produce a copy of any communications between anyone associated with Howell Allen Clinic and anyone associated with NECC.

RESPONSE:

6. Produce any documents or things related in any way to recalls of NECC medications in 2012.

RESPONSE:

7. Produce all policies, procedures or guidelines relating to Howell Allen Clinic's reporting of adverse events affecting patient health or safety.

RESPONSE:

8. Produce all emails, correspondence, prescriptions, orders, invoices, memoranda, product information, brochures, promotional materials, documents and things received from or sent to any supplier of methylprednisolone acetate.

RESPONSE:

9. Produce all emails, spreadsheets, memoranda, comparisons, and documents pertaining to the costs associated with purchasing injectable steroids from any source.

RESPONSE:

10. Produce a copy of all records reflecting expenditures made for injectable steroids from any source.

RESPONSE:

11. Produce a copy of all financial records and documents regarding any samples, gifts, incentives, promotions or discounts received from or offered by the NECC or any of its agents.

RESPONSE:

12. Produce a copy of all financial records regarding and/or reflecting revenues derived from epidural steroid injections.

RESPONSE:

13. Produce a copy of all financial records regarding and/or reflecting revenues or income received from Saint Thomas Neurosurgical.

RESPONSE:

14. Produce a copy of all emails, protocols, procedures, memoranda, guidelines and/or correspondence related to notifying or contacting patients who received steroid injections obtained from the NECC.

RESPONSE:



15. Produce a copy of all invoices, shipping records, billing records, medical records, notes or other documents that reflect or refer to any medications administered to patients at Saint Thomas Neurosurgical during June through September 2012.

RESPONSE:

16. Produce copies of any reports, correspondence, memoranda or other documentation generated by any committee or person who conducted any type of inquiry or investigation into the recent fungal meningitis outbreak.

RESPONSE:

17. Produce any incident reports or similar documents pertaining to NECC and/or the fungal meningitis outbreak.

RESPONSE:

18. Produce a copy of all of Howell Allen Clinic's written policies, procedures and guidelines.

RESPONSE:

19. Produce a copy of any policies, procedures, guidelines, articles or other material addressing how medications are to be purchased, stored, prescribed and/or handled.

RESPONSE:

20. Produce a copy of any emails, communications, policies, procedures, guidelines or other material addressing how patients who may have received recalled pharmaceuticals are to be contacted and/or informed of that possibility.

RESPONSE:

21. Produce a copy of any policies, procedures, guidelines, memoranda, articles or other material addressing compounded medications, the evaluation of compounding pharmacies, and/or the purchase of pharmaceuticals or compounded medications.

RESPONSE:

22. Produce a copy of any emails, reports, memoranda, policies, procedures, guidelines or other material that addresses the purchase, administration and/or use of MPA or other steroids at Howell Allen Clinic and/or Saint Thomas Neurosurgical.

RESPONSE:

23. Produce a copy of any policies, procedures, guidelines or other printed material that addresses epidural steroid injections performed at Howell Allen Clinic and/or Saint Thomas Neurosurgical.

RESPONSE:

24. Produce a copy of all internal communications at Howell Allen Clinic relating to NECC's recall of MPA and/or the recent fungal meningitis outbreak.

RESPONSE:

25. Produce a copy of all external communications between Howell Allen Clinic and any other person or entity relating to NECC's recall of MPA and/or the recent fungal meningitis outbreak.

RESPONSE:

26. Produce all communications between Howell Allen Clinic and the Tennessee Department of Health, the FDA, the CDC, and/or any other governmental entity relating to NECC's recall of MPA and/or the recent fungal meningitis outbreak.

RESPONSE:

27. Produce all communications between Howell Allen Clinic and anyone associated with St. Thomas Hospital, Saint Thomas Network and/or Saint Thomas Health relating to NECC, NECC's recall of MPA and/or the recent fungal meningitis outbreak.

RESPONSE:

28. Produce all communications between Howell Allen Clinic and anyone associated with Saint Thomas Neurosurgical relating to NECC, NECC's recall of MPA and/or the recent fungal meningitis outbreak.

RESPONSE:

29. Produce a copy of any policies, procedures, guidelines or other printed material used by Howell Allen Clinic and/or Saint Thomas Neurosurgical personnel in selecting where and from whom they purchase medications.

RESPONSE:

30. Produce the curriculum vitae and/or resume of every person identified in response to the PSC's First Set of Interrogatories.

RESPONSE:

31. Produce a copy of all contracts, agreements, and documents related to Howell Allen Clinic's relationship with Saint Thomas Neurosurgical.

RESPONSE:

32. Produce a copy of all contracts, agreements, and documents related to Howell Allen Clinic's relationship with Saint Thomas Health Services, Saint Thomas Health and/or Saint Thomas Network.

RESPONSE:

33. Produce a copy of all contracts, agreements, and documents related to Howell Allen Clinic's relationship with St. Thomas Hospital.

RESPONSE:

34. Produce a copy of all contracts or agreements between Howell Allen Clinic and NECC.

RESPONSE:

35. Produce a copy of all contracts or agreements between Howell Allen Clinic and any supplier or distributor of injectable steroids.

RESPONSE:

36. Produce all documents, audio recordings, video recordings, visual representations, electronic data, photographs and things that relate to the allegations in this litigation and and/or any defenses thereto.

RESPONSE:

37. Produce all documents identified, referenced, referred to, relied upon, consulted or used in any way in answering the PSC's First Set of Interrogatories.

RESPONSE:

38. Please produce every operating agreement that has at any time governed the operation of Saint Thomas Neurosurgical.

RESPONSE:

39. Please produce every membership agreement, membership trust instrument, or other agreement or instrument relating to ownership, governance rights, financial contributions, or membership rights in Saint Thomas Neurosurgical.

RESPONSE:

40. Please produce every document that evidences or effected the transfer of any membership interest in Saint Thomas Neurosurgical.

RESPONSE:

41. Please produce every document that identifies any present or previous holder of financial rights in Saint Thomas Neurosurgical.

RESPONSE:

42. Please produce all lists maintained by Howell Allen Clinic identifying its members, governors, or managers.

RESPONSE:

43. Please produce all documents evidencing the present value, as well as all documents evidencing any change in such value, of every member capital account in Saint Thomas Neurosurgical.

RESPONSE:

44. Please produce all documents reflecting any contributions made by members of Saint Thomas Neurosurgical to that enterprise.

RESPONSE:

45. Please produce all documents evidencing distributions made by Saint Thomas Neurosurgical to members, holders of financial rights, or other persons receiving such distributions.

RESPONSE:

46. Please produce every return and report filed by or on behalf of Saint Thomas Neurosurgical with any taxing authority.

RESPONSE:



47. Please produce every report submitted by or on behalf of Howell Allen Clinic to any governmental agency .

RESPONSE:

48. Please produce all corporate records of Saint Thomas Neurosurgical including all minutes, by-laws, resolutions, consent to action documents, annual reports, articles of organization, records of board or manager action, board of governors meeting minutes, and documents reflecting the governance of that entity.

RESPONSE:

49. Please produce every report, spreadsheet or memoranda presented to any person associated with Howell-Allen Clinic (and its predecessor entities) pertaining in whole or part to Saint Thomas Neurosurgical.

RESPONSE:

50. Please produce all financial statements, balance sheets, accounting ledgers, and financial reports for Saint Thomas Neurosurgical for any period after December 31, 2007.

RESPONSE:

51. Please produce all financial statements, balance sheets, accounting ledgers, and financial reports for Howell Allen Clinic for any period after December 31, 2007.

RESPONSE:

52. Please produce every deed or lease agreement regarding space ever occupied by Saint Thomas Neurosurgical.

RESPONSE:

53. Please produce every deed or lease agreement regarding space ever occupied by Howell Allen Clinic, or any entity affiliated with Howell Allen Clinic, on the St. Thomas Hospital campus.

RESPONSE:

54. Please produce for inspection every name tag issued to or worn by each employee or agent of Howell Allen Clinic who worked at Saint Thomas Neurosurgical.

RESPONSE:

55. Please produce every Howell Allen Clinic employee handbook in force during 2012.

RESPONSE:

56. Please produce a complete set of all forms, brochures and documents, provided by Howell Allen Clinic to patients, that make reference to Saint Thomas Neurosurgical.

RESPONSE:

57. Please produce a copy of every sign, brochure, advertisement, web page, website, telephone directory, or other listings indicating the location of Saint Thomas Neurosurgical and/or the goods and services provided by that entity.

RESPONSE:

58. Produce all communications between or among anyone associated with a member of Saint Thomas Neurosurgical regarding the ownership or governance of that entity.

RESPONSE:

59. Produce all photographs taken in connection with the NECC recall and/or the fungal meningitis outbreak, including but not limited to photographs of any NECC products or Saint Thomas Neurosurgical's facilities.

RESPONSE:

60. Please produce an electronic copy of Howell Allen Clinic's website as it existed on September 1, 2012.

RESPONSE:

61. Please produce an electronic copy of Howell Allen Clinic's website as it currently exists.

RESPONSE:

62. Produce for inspection any vials of NECC products in your possession or control.

RESPONSE:

63. Produce the "roughly 50,000 emails" referenced in Matthew H. Cline's letter dated May 29, 2013 to George Nolan and William D. Leader.

RESPONSE:

### INTERROGATORIES

1. If any or all documents requested in the above Requests for Production of Documents or identified herein are no longer in your possession, custody or control because of destruction, loss or any other reason, then with respect to each and every such document describe the nature of the document (e.g. letter or memorandum), state the date of the document, identify the persons who sent and received the original and a copy of the document and state the manner and date of disposition of the document.

RESPONSE:

2. If you contend that you are entitled to withhold from production any or all documents identified herein on the basis of attorney-client privilege, the work-product doctrine, or some other ground, then with respect to each and every such document describe the nature of the document (e.g. letter or memorandum), state the date of the document and the length of the document, identify the person(s) who authored, sent and received the original and a copy of the document, state the subject matter of the document and state the basis upon which you contend you are entitled to withhold the document from production.

RESPONSE:

**Dated: October 9, 2013**

/s/ J. Gerard Stranch, IV

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*Plaintiffs' Steering Committee*

**CERTIFICATE OF SERVICE**

I, J. Gerard Stranch, IV, hereby certify that on the 9th day of October, 2013, the foregoing document was served via hand delivery (\*), electronic mail (\*\*), and/or U.S. Mail, postage prepaid, on the following counsel:

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/s/ J. Gerard Stranch, IV  
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